

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES E. KIRKPATRICK

:

CIVIL ACTION

:

v.

:

:

ROYAL BANK AMERICA

:

NO. 11-1112

ORDER

AND NOW, this 29th day of September, 2011, upon consideration of the plaintiff's Motion for Summary Judgment (Document No. 8) and Royal Bank's response, it is **ORDERED** that the motion is **DENIED**.

IT IS FURTHER ORDERED that this action is **REMANDED** to the Court of Common Pleas of Berks County, Pennsylvania.

/s/Timothy J. Savage

TIMOTHY J. SAVAGE, J.